

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

In re Allen WEINSTEIN, Debtor.

No. 96-23474-BKC-RBR
(Cite as: 256 B.R. 536)

The Trustee objected to a secured proof of claim arguing that, pursuant to § 502(d), the claim should be disallowed until the Claimant returns its preference to the estate. The Claimant contended that the Trustee was foreclosed from objecting to its claim on the basis of a preferential transfer because the statute of limitations for bringing such an action had expired. The Court held that the statute of limitations imposed by § 546 does not apply to § 502(d), and therefore, the Trustee may raise § 502(d) defensively to offset the claim by the amount of the preference. Objection sustained.